

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE RODRIGUEZ,

Plaintiff,

-against-

ORDER
19-CV-4074 (JS) (AKT)

NASSAU COUNTY CORRECTIONAL CENTER,
CAPT. DONALD KERZNER, CPL. FIELDING,
SGT. JOWORSKI, C.O. BARBARA,

Defendants.

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APPEARANCES

For Plaintiff: Jose Rodriguez, pro se
18007479
Nassau County Correctional Center
100 Carman Avenue
East Meadow, New York 11554

For Defendants: No appearances.

SEYBERT, District Judge:

On July 8, 2019, incarcerated pro se plaintiff Jose Rodriguez ("Rodriguez" or "Plaintiff") filed a Complaint in this Court together with an application to proceed in forma pauperis. However, the Complaint incorrectly named Nassau County Correctional Facility as the plaintiff and Rodriguez as the defendant. Accordingly, by Notice of Deficiency dated July 15, 2019 (the "Notice"), Plaintiff was instructed that, in order for his case to proceed he must, within fourteen (14) days, file an Amended Complaint with a correct caption that names him as the Plaintiff. (See Notice, D.E. 4.) On July 29, 2019, Rodriguez filed an Amended Complaint naming himself as the Plaintiff and

naming the following five defendants: the Nassau County Correctional Center, Capt. Donald Kerzner, Cpl. Fielding, Sgt. Joworski, and C.O Barbara (collectively, "Defendants"). (Am. Compl., D.E. 7, at ECF pp. 2-6.)

Upon review of the application to proceed in forma pauperis, the Court finds that Plaintiff has not provided sufficient information. Although Plaintiff has checked the box to allege that he has received income from "any other sources" in the past 12 months, he did not describe the source of the money nor did he state the amount received as is required on the form application. (IFP Mot., D.E. 2, ¶ 3.) Accordingly, Plaintiff's application to proceed in forma pauperis is DENIED WITHOUT PREJUDICE AND WITH LEAVE TO RENEW WITHIN FOURTEEN (14) DAYS FROM THE DATE OF THIS ORDER. The Clerk of the Court shall mail a copy of this Order to Plaintiff together with an in forma pauperis application.¹

¹ The Court notes, however, that Plaintiff's July 23, 2019 letter advised that he was scheduled to be discharged from the Nassau County Correctional Center that week (see Letter, D.E. 7, at ECF p. 1) and, to date, Plaintiff has not updated his address with the Court. Moreover, mail sent to Plaintiff at the Nassau County Correctional Center on August 5, 2019 and August 6, 2019 in his other case, 19-CV-4489, was returned to the Court and was marked "Return to Sender, and "Discharged." (See 19-CV-4489 at D.E. 6 & 7.) Thus, it is unlikely that Plaintiff will receive this Order. Plaintiff is reminded of his obligation to keep his address current and is cautioned that his failure to do so will lead to dismissal of his Amended Complaint pursuant to Federal

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: October 10, 2019
Central Islip, New York